

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**JILL DILLARD, et al**

**PLAINTIFFS**

**VS.**

**NO. 17-CV-05089-TLB**

**KATHY O'KELLY; et al**

**DEFENDANTS**

**DEFENDANTS' JOINT<sup>1</sup> MOTION FOR  
DISMISSAL WITH, AND WITHOUT, PREJUDICE**

Come now the Defendants jointly, and for their motion for expansion of the discovery scope and period, do state the following:

1. This case currently (after the resolution of motions to dismiss by all parties) proceeds on a the Plaintiffs' Complaint against multiple defendants (all affiliated with the City of Springdale and Washington County, Arkansas) on one or more claims under the Arkansas Civil Rights Act (ACRA) and three claims arising under Arkansas tort law. Doc. # 1; *see also* Doc. # 62 & *Dillard v. O'Kelley*, 961 F.3d 1048 (8th Cir. 2020) (*en banc*), cert denied, \_\_\_ U.S. \_\_\_ (2021). The Complaint invokes the original jurisdiction of this Court to hear questions of federal law and its pendent jurisdiction to hear state law claims. *Id.* at ¶ 14.

2. For the reasons set forth in the accompanying brief in support, this Court should dismiss the Plaintiffs' ACRA claims with prejudice and the remaining tort claims without prejudice.

WHEREFORE, the Defendants jointly and respectfully request that the Court dismiss the Plaintiffs' ACRA claims with prejudice and the remaining tort claims without prejudice.

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<sup>1</sup> The Undersigned counsel for the Separate Washington County Defendant(s) has contacted counsel for the Separate City of Springdale Defendants, who agree with the form and substance of this motion and the supporting brief and have authorized the undersigned counsel to file this motion and brief jointly on behalf of all remaining Defendants.

Respectfully submitted,

Rick Hoyt, et al  
*Defendants*

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